

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

HARDIN CONSTRUCTION	)	
COMPANY, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:06-CV-346
	)	(VARLAN/SHIRLEY)
RPL PROPERTIES, LLC,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

The parties came before the undersigned on January 29, 2008, for a telephone conference concerning a discovery dispute. The plaintiff was represented by attorneys Thomas H. Asselin and Lawrence P. Leibowitz, while the defendant was represented by attorneys Phillip E. Beck and R. Louis Crossley, Jr. During the hearing, the Court determined that further action by the parties would be necessary before the filing of a formal motion would be appropriate. Accordingly, the parties are **DIRECTED** as follows:

1. Plaintiff's counsel shall provide defense counsel with a letter detailing the specific documents or categories of documents that plaintiff's counsel believes defendant failed to produce.
2. Once in receipt of the plaintiff's list of disputed items, defense counsel shall confer with their client and produce a response detailing whether each document or category of documents does or does not exist. Should any of the disputed items exist, then the response shall also indicate whether the item is being produced with the response, or, if the item is not being produced, explain in detail why the item cannot be produced.
3. The parties shall forward a copy of the plaintiff's letter and the defendant's response to chambers. Additionally, the Court scheduled a telephonic status conference for **February 7, 2008, at 2:30 p.m.**

The parties shall initiate the call.

4. Given that further action by the parties is needed before the filing of a motion to compel would be appropriate, the Court hereby extends the deadline for the filing of motions to compel until **February 8, 2008**. If an additional extension is needed, the parties may raise that issue during the status conference.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge